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AUG 09 2004
PATENT & TRADEMARK OFFICE

Attorney Docket: 008601-0307943
Client Reference: 89G37090-USA-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

TOMOYUKI ITO ET AL.

Confirmation No: 2672

Application No.: 10/767,397

Group Art Unit: 3641

Filed: January 30, 2004

Examiner: UNKNOWN

Title: METHOD AND APPARATUS FOR EXECUTING AN OPERATION IN A
PRESSURE VESSEL OF A NUCLEAR REACTOR

TRANSMITTAL OF PROPERTY RIGHTS STATEMENT UNDER C.F.R. § 1.68

**Commissioner for Patents
ATTN: LICENSING AND REVIEW
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

In response to the Requirement for a Property Rights Statement mailed June 24, 2004, a copy of which is enclosed, Applicant herewith submits the following:

Property Rights Statement (2 pages) for the above-identified application.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By

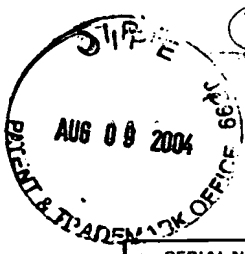

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/767,397	01/30/04	ITO, ET AL.	008601-0307943

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JUN 28 2004

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ATTY(S) JDK
DUE: 8.8.04
DKT BY (1) mdt (2) LMS

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

MAILED

JUN 24 2004

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 826-4191

703-826-0841

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

PROPERTY RIGHTS STATEMENT

WE Tomoyuki ITO, Mitsuaki SHIMAMURA and Motohiko KIMURA, each a citizen of JAPAN, and each residing at Kanagawa-ken, Japan, declare that we made and conceived the invention described and claimed in Patent Application Serial Number 10/767,397, filed in the United States of America on January 30, 2004 entitled METHOD AND APPARATUS FOR EXECUTING AN OPERATION IN A PRESSURE VESSEL OF A NUCLEAR REACTOR.

(Check and Complete either 1 or 2 below)

(Check 3 and/or 4 below as appropriate)

☒ (1) That we made and conceived this invention while employed by Kabushiki Kaisha Toshiba, with a business address at 1-1 Shibaura 1-chome, Minato-ku, Tokyo, Japan. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Kabushiki Kaisha Toshiba. Other relevant facts are _____

NONE

That to the best of our knowledge and belief (and/or) based upon information provided by _____

of _____

--OR--

☐ (2) (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

☒ (3) The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

--AND/OR--

☒ (4) The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

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and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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